

REMARKS

Claim 1 has been amended to conform to U.S. practice (*i.e.*, by changing "characterized by" to "comprising") and by eliminating redundancy (*i.e.*, by deleting "compound" in favor of "complex"). See *e.g.*, paragraphs [0008] and [0010]–[0015]. Further, Applicants have deleted the recitation, "dissolved in an aqueous solution" and in its place, have introduced the recitation "hydrophilic," support for which is set forth in paragraph [0017]. Amendments to claims 2-6 have been made for purposes of consistency. Newly added claims 7, 8, 9, 10, 11, 12, 13, and 14 find support throughout the specification and, particularly, at paragraphs [0022], [0033], [0027], [0028], [0033], [0046], [0034], and [0046], respectively. No new matter has been added. Thus, entry of the amendment is respectfully requested.

Claims 1-6 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph. The Office has taken the position that the phrase "comprising a platinum compound dissolved in an aqueous solution" contradicts the introductory language "Solid Lipid Nanoparticles of a platinum complex" because the Solid Lipid Nanoparticles of the invention do not contain an aqueous solution of the platinum complex. Applicants respectfully traverse.

It would appear that in the Examiner's view, the recitations "solid" and "dissolved in an aqueous solution" are internally inconsistent, and that the term "solid" means that water cannot be present. Applicants believe that the amendment to claim 1 serves to obviate the rejection. However, Applicants submit that the amendment does not narrow the claim scope, in that the claim even as amended still embraces the presence of water in the nanoparticles and/or surrounding the nanoparticles.

First, as explained in paragraph [0016], the term "solid" refers to the nature of the lipid as opposed to the nanoparticle itself. The processes described in paragraphs [0018]–[0024] and in the working Examples 1-5 do not explicitly state that *prior* to lyophilization, the nanoparticles are devoid of any water. See e.g., paragraphs [0022]–[0023]. Thus, Applicants submit that the claim would be clear and definite to one skilled in the art. It is open to include water, either entrapped within the nanoparticle and/or surrounding the nanoparticles, as in the case of an aqueous dispersion set forth in newly added claim 7. Accordingly, Applicants respectfully request withdrawal of the rejection.


As it is believed that all of the rejections set forth in the Official action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 
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